



January 28, 2010

Dear Bob,

Over the last several years I have brought up many issues in regards to the work being performed by Steven Harnois. We have had numerous meetings as a group and privately, we have held new trainings, we have added new policies and for some time in 2008 Amanda Bolduc was assigned to review his paperwork for completeness prior to it being distributed for discovery and filing. For that time the paperwork was kept up to date. As he bristled under her review, the reviewing stopped and the paperwork has again fallen to the point where it can not be relied upon as an accurate indication of the status or history of the instruments in the field or in-house.

We have discussed the importance of keeping the paperwork complete and up-to-date in numerous meetings over the years and nothing we have done has remedied the problem. TSI's are not being filled out. When they are filled out, they are often incomplete. Paperwork has been lost including calibration and certifications of the instrumentation as well as Routine Performance Check's from the DataMaster Supervisors. This is despite adding new folders (which are not used) and adding timeframes to paperwork completion and filing. Emails have gone out repeatedly as a reminder when we find the lacking paperwork while putting together discovery information. The problem remains.

Beyond the lack of paperwork and organization Steven Harnois has a lack of understanding in regards to how the instruments, both BAC and DMT, operate. Mr. Harnois has been trained by the manufacturer on both instruments as well as taking an additional course by the manufacturer at their facility. I had told you previously where Mr. Harnois advised me that the ethanol molecules change their absorbance based on how old the calibration is. This statement reflects a complete lack of understanding in the basic principle of the operation of the instruments. In a meeting a month ago we had to explain how calibration worked again to Mr. Harnois. He has been in this position for 7 years and should be extremely familiar with this concept but he is not.

This is a very concerning problem considering that part of his job is to troubleshoot and repair the instruments. That is simply not possible without understanding how the instrument works. At one point during one of our discussions between the two of us you had suggested that perhaps we needed someone else to troubleshoot and simply advise Mr. Harnois as to the action to take. In the year that has passed since then though we have not implemented that. His standard response to an instrument that is not working properly over the years has been to blame the simulator solution and run it repeatedly until it passes or to simply keep replacing parts until the instrument works again. This is inefficient at best and ineffective at worse. Further concerning is that in order to get instruments to pass he has changed methodology such as adding acetone to an interference solution, raising the temperature of a simulator when it is not out of range, or neglecting to perform suck back tests on instruments with broken one way valves. Myself and Amanda Bolduc have raised these issues repeatedly but nothing has changed nor does Mr. Harnois seem to understand that changing methodology is inappropriate just to get an instrument to pass. He has taken the laboratory ethics training that we have been required to attend in the past.

I understand that personnel issues are private and I am not asking to know what has been said to Mr. Harnois but I feel the need to put this all in one place. This situation can not remain if we want a program that is solid and focused on quality. At this point I have very little faith in the work and documentation of Mr. Harnois's that I am asked to defend in court. Being surprised by paperwork on the stand or having to learn the history of an instrument from an attorney is inappropriate and quite honestly, embarrassing. It undermines our credibility and the credibility of the program.

In order for Mr. Harnois to be successful in this program there needs to be someone else in that laboratory who interacts with the police agencies, who troubleshoots the instruments and decides the correct course of action as well as reviewing all paperwork generated for completeness and accuracy. Mr. Harnois is simply in over his head and cannot successfully work independently in that position. Perhaps with additional oversight and guidance he can be more effective in what he does.

I do not enjoy writing this but at this point I am at a loss of what to do.

~Darcy Richardson

For the last five years, it has been my pleasure to work for the Department of Health Toxicology program. I have seen many advances in the breath alcohol program and have been honored to have had a lead role in implementing the new instruments and technology. Working with the law enforcement and judicial communities has been a very rewarding endeavor.

However, there is one looming aspect to my position that has become intolerable. There is a serious lack of leadership that as of late has become so blatant, it threatens the integrity of the program as a whole.

The alcohol program has four members. Our technician is responsible for the maintenance of the instruments and generating appropriate documentation to demonstrate the reliability of the instruments. Our two chemists testify in court to the accuracy and reliability of the instruments, and our program chief who is responsible for over seeing the program as a whole. The ability of each member to appropriately, effectively and efficiently complete their duties relies largely on the quality and reliability of the work completed by other members of the team.

For the last two years, the ability of the team to function as a group has faltered. The quality of work performed by the technician has been lacking. The record keeping and documentation required of this program has not been met or maintained by the technician. These records are crucial for the chemists to give the effective and accurate testimony. There have even been documented cases of inappropriate and unethical behavior being performed by the technician on instruments in service in police agencies.

These problems have been documented by the chemists in the alcohol program and brought to the attention of the program chief on a frequent basis. However, most of these problems remain unresolved. Further, it has become the attitude of the program chief that when problems are brought to his attention, the person relaying the concern becomes the target of retribution. The program chief will target and excessively critique the work anyone who brings concerns to him. I feel like not only am I being purposely set up for failure, but so is the entire alcohol program.

I am completely at a loss as to what to do. I love my job. In this position I have the ability to directly effect the safety of our communities by working with the law enforcement professionals in the prosecution of suspected impaired drivers. However, when the integrity of the program is in jeopardy, and the program chief gives the impression that not only does he not care, but that he seems to be blatantly covering up potential problems, I find myself deeply conflicted. I no longer have faith in our technician to appropriately maintain the evidentiary instruments. I have concerns in his level of integrity and ethics. These concerns have been brought to the attention of the program chief on numerous occasions, and still the problem persists. And now, I feel I can no longer bring concerns to my supervisor because not only does he not respond to my concerns, I feel actively targeted by him in retribution for my complaints.

If confronted with direct questions regarding the work performed by the technician or the supervision of the program chief, it is my duty and legal obligation to answer honestly. I cannot testify to the purported work performed by our technician because I know he fails to document his actions, both intentionally and unintentionally and the quality of his work is lacking. Our technician repeatedly falters in his work duties and behaves unethically, management knows this, and the situation has yet to be addressed. I fear that this may have severe and long lasting negative implications on our program. It is my hope that steps can be taken to rectify the situation, improve the program, and prevent major impacts and detrimental consequences.